

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Group Art Unit No.: 2455
)	
Burjiz Pithawala, et al.)	Examiner: Henry,
)	Mariegeorges, A.
Serial No.: 10/803,772)	
)	Confirmation No.: 8045
Filed on: March 17, 2004)	
)	
For: METHOD AND APPARATUS)	
PROVIDING DEVICE-INITIATED)	
NETWORK MANAGEMENT)	
)	

Via EFS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO WITHDRAW FINALITY OF THE OFFICE ACTION

Sir:

This reply is submitted in response to the final Office Action mailed on December 2, 2009 (hereinafter "FOA"). On December 15, 2009, Applicants telephoned Examiner Henry and pointed out that the finality of the Office Action was improper. Examiner Henry agreed, and requested that Applicants file this request so that he could enter a new, Non-Final Office Action.

Specifically, Applicants pointed out that their response of June 23, 2009 to the previous Office Action, which was non-final, contained no amendments to independent Claim 2. The FOA nonetheless included a new rejection of Claim 2, based upon the reference *Karjala*.

Per MPEP 706.07(a):

[S]econd or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment** of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) [A] second or any subsequent action on the merits in any application or patent undergoing reexamination

proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Because the rejection of Claim 2 was not necessitated by amendments to Claim 2 or a filed Information Disclosure Statement, the finality of the FOA was improper. Applicants respectfully request that the finality of the Office Action be withdrawn, and that a new, Non-Final Office Action be issued in its place.

INTERVIEW REQUEST

Applicants further request that, prior to or upon issuance of said new, Non-Final Office Action, the Examiner contact the undersigned at the number indicated below for a telephonic interview. Applicants request clarification regarding the rejections of Claims 2 and 34, as it is not clear what aspects of *Karjala* are alleged to map to the various features recited in the claims. For instance, it appears that the Office Action is alleging that a certificate is a “management request,” when in fact a certificate is merely an electronic verification of an entity’s identity.

CONCLUSION

The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application. No fee is believed due with this request. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Date: December 15, 2009

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